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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Shih-Hsorng Shen, Examiner: NI, SUHAN
5 Shuenn-Tsong Young,
Weileun Fang
Filing Date: 11/16/2001 Art Unit: 2643
Serial No.: 09/683,099 Docket No.: YMBP0001USA

10 Title: HEARING AID DEVICE WITH FREQUENCY-SPECIFIC
AMPLIFIER SETTINGS

To: Commissioner for Patents
P.O. Box 1450
15 Alexandria, VA 22313-1450

Subject: Petition to withdraw holding of abandonment

Dear Sir or Madame

20

The following is a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment for the above-identified application, as per MPEP 711.03(c)(II).

25 On 03/08/2004, this office received a Notice of Abandonment
for failing to respond to an Office Letter mailed on 05/16/2003.
Consequently, the USPTO's PAIR system was utilized to perform
a check of the above-identified application. The PAIR system
indicated that a Non-Final Rejection was mailed on 05/16/2003
30 and a Response after Non-Final Action was received by USPTO
on 08/14/2003. Then, a Notice of Informal or Non-Responsive
Amendment was mailed on 10/21/2003. However, this office never

received the Notice of Informal or Non-Responsive Amendment of 10/21/2003, and a search of the file jacket and docket records attests to the fact that the Notice of Informal or Non-Responsive Amendment in question was never received.

5

Please see the enclosed copies of the file dockets (2 pages) for the present application file wrapper. The line with the red encircled "1" indicates that utility patent application were sent on 11/17/2001 to the USPTO (The discrepancy between 10 the sent day and the application day is due to time difference). On 02/20/2002, as indicated by the red encircled "2", the Updated Filing Receipt was received by this office from the USPTO. As indicated on the red encircled "3", on 05/27/2003, an Office Action dated 05/16/2003 was received. Subsequently, response 15 to the above-mentioned Office Action, as indicated on the red encircled "4", was sent to the USPTO by fax on 08/14/2003 and by Federal Express on 08/15/2003. On 08/22/2003, as indicated by the red encircled "5", the Notice of Publication was received by this office. On 12/16/2003, as indicated by the red encircled 20 "6", the Office communication granted on request to withdraw as attorney was received by this office. Finally, On 03/08/2004, as indicated by the red encircled "7", the Notice of Abandonment was received by this office. This was the last piece of correspondence received by this office from the USPTO. On 25 03/11/2004, as shown on line "8", this office utilized the USPTO's PAIR system to ascertain the status of the instant application, and learned of the non-received Notice of Informal or Non-Responsive Amendment of 10/21/2003. No other correspondence was received for this case from the USPTO between 30 lines "5" and "6", and hence the Notice of Informal or Non-Responsive Amendment was clearly not received by this office for the instant application.

Due to the above, and with regards to MPEP 711.03(c)(II),
the applicant respectfully requests that the holding of
abandonment of the present application be withdrawn.

5 Additionally, the applicant requests that the Notice of
Informal or Non-Responsive Amendment dated 10/21/2003 be
re-sent.

10

Sincerely yours,



Date: 3/12/2004

15 Winston Hsu, Patent Agent No.41,526
P.O. BOX 506
Merrifield, VA 22116
U.S.A.
e-mail: winstonhsu@naipo.com.tw

本所案號: YMB-P0001-USA 名稱: Hearing aid device with frequency-specific amplifier settings.
 客戶案號: _____
 國外案號: _____
 專利案號: 09/683,099 申請日期: 11/16/01 專利日期: _____
 發明人: 楊順聰、方維鴻、沈七雄

文件編號	階段	績效編號	日期	記錄人	項目	摘要
①	A1	ZOE3	2001/06/22	山立	陽明醫工 From 沈七雄	台灣2001/06/22 新案(期限2001/11/30)
			2001/11/12	David		Spec Writing
			11/13/01	John		Spec edit
			11/11/01	John		claim writing
			11/13/01	山立	to " "	修改內容
			11/16/01	山立	to " "	修改內容
			11/17/01	David - Co. PTO		送(中)
			11/18	"	From "	receipt(收據函)
			11/19/01	"	To "	附圖
			11/20	"	From "	receipt
②			11/20	"	"	venefile (updated)
			11/27/2003	Christina from PTO		再審文通失敗, 官方期限 2003.8.16
			11/27	"	From	修改案
③			11/27	"	From	請於11/28完成審閱並回傳
			11/28	Alex Hsu		O.A. draft
			11/29	Winston		Technical Editing
			11/30/03	Scott		O.A. Grammar editing
			11/31	"	To " "	一稿
			11/31	"	From 沈七雄	二稿
			11/28	Alex		客戶改稿

案件的每一個階段及相關文件的產生及出入均應詳實記載。

NPO-PIA074-02

案件的每一個階段及相關文件的產生及出入均應詳實記載。

NPO-PIA074-02

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INTERNATIONAL PATENT OFFICE

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P.O. BOX 506, Merrifield, VA 22116, U.S.A.

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FAX TO: NI, SUHAN

Tel: (703) 308-9322

ART UNIT: 2643

Fax: (703) 872-9314

FROM: Winston Hsu, PATENT AGENT, REG. NO. : 41,526

SERIAL NO.: 09/683,099

ATTORNEY DOCKET NO.: YMBP0001USA

**SUBJECT: PETITION TO WITHDRAW HOLDING OF
ABANDONMENT**

TOTAL PAGES: 9 PAGES (INCLUDING COVER PAGE)

Winston Hsu 2004/03/12

YMBP0001USA0_A9_1

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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on 03/12/2004

Date

Sandy Huang
SignatureSandy Huang

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify
each submitted paper.

APPLICATION NUMBER: 09/683,099**PAPERS INCLUDED:**

(1) Transmittal Form	1 PAGE
(2) Fee Transmittal	1 PAGE
(3) Petition to withdraw holding of abandonment	3 PAGES
(4) Copies of the file dockets for the present application	2 PAGES

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/21 (08-03)

Approved for use through 08/30/2003, OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/683,099
Filing Date	11/16/2001
First Named Inventor	Shih-Hsung Shen
Art Unit	2643
Examiner Name	NI, SUHAN
Total Number of Pages in This Submission	7
Attorney Docket Number	YMBP0001USA

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Winston Hsu, Reg. No.: 41,526

Signature

Winston Hsu
3/12/2004

Date

Typed or printed name

Signature

Date

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	
Signature	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

Application Number	09/683,099
Filing Date	11/16/2001
First Named Inventor	Shih-Hsung Shen
Examiner Name	NI, SUHAN
Art Unit	2643
Attorney Docket No.	YMBP0001USA

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number 50-0801
Deposit Account Name North America International Patent Office

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2292 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.128(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 800	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$ 0.00)			

*or number previously paid, if greater. For Reissues, see above

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

(Complete if applicable)			
Name (Print/Type)	Winston Hsu	Registration No. (Attorney/Agent)	41,526
Signature	<i>Winston Hsu</i>	Date	3/12/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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